

LETTERS FROM BDC
to Ann Dean

4-162

— On Sat, 17/4/10, Ann Dean <Ann.S.Dean@BTOpenWorld.com> wrote:

From: Ann Dean <Ann.S.Dean@BTOpenWorld.com>
Subject: Fw: from Basildo DC Aug 26 09, Dale Farm, order by HMG for 62 more sites, 110% Green Belt Aug 26 and the council's breaches of the Housing Housing Acts 1996 and s225 2004, and of the Human Right to Education
To: "Dale Farm" <dale.farm@btinternet.com>
Date: Saturday, 17 April, 2010, 21:52

From: Carla.Vivekanandan@basildon.gov.uk
Sent: Wednesday, August 26, 2009 9:50 AM
To: Ann.S.Dean@BTOpenWorld.com
Cc: Dawn.French@basildon.gov.uk
Subject: FYI: Fw: FYI: Fw: Dale Farm, order by HMG for 62 more sites, and the council's breaches of the Housing Housing Acts 1996 and s225 2004, and of the Human Right to Education

Dear Ms Dean

Thank you for your email addressed to Dawn French, who has asked me to respond. Apologies for the delay in responding, I've not been well and have been out of the office. As requested copies of this email have been forwarded on. If you need to contact our complaints department, you can do so at the following address -

Complaints Department
Service Advice Centre
Basildon District Council
Basildon Centre
St Martin's Square
Basildon SS14 1DL

Please find below response to your questions -

1 & 2) The Regional Spatial Strategy has published its report detailing the number of pitches each district is to provide. 62 is the number of pitches that Basildon Council is being asked to provide and the Council is currently considering its position. A copy of the RSS report can be found on the following link.

http://www.goeast.gov.uk/goeast/planning/regional_planning/687221/?a=42496

3 & 4) The Green belt boundary's were established in 1982. The land in our district outside towns is 100% green belt. The allocation of land for any additional pitches will have to go through the Development Plan Document (DPD) process. This process will identify land that is suitable for traveller pitches. The planning merits of the Dale Farm site have been tested and the site because of its green belt status was not deemed suitable for granting of planning permission, including temporary planning permission.

5) The Council can not force people to take up pitches nor reserve them once available. Allocation on Council run sites will be in line with the Council's housing allocation policy.

6) Basildon Council's case has been through the Court and the Council was found to be acting lawfully in seeking compliance with breaches of planning law.

7) The content of the OPDM circular 1/2006 were addressed in the Council's Development Control and Traffic Management Committee reports and again through the courts during the legal challenges.

8.1) The legal process has been exhausted in this case. All relevant factors

8.1)The legal process has been exhausted in this case. All relevant factors have been considered by the Courts and the Council was found to be acting lawfully in seeking compliance with breaches of planning control.

8.2)Human rights issues were tested in High Court and Court of Appeal and the Council was not found to be in breach of it's duties.

9)Arrangements will be made for the storage of mobile homes, if residents at Dale Farm have no place to move the mobile homes to.

10)The Council is unable to comment on the content of the local newspapers.

11)The total cost of the eviction is unknown as the Council is yet to appoint a bailiff and plan the eviction. The cost for providing 50 pitches is unknown as allocation of sites would have to be completed before costings can be done on creating any sites.

12)Homeless applications are being processed currently.

Thanks
Carla

Carla Vivekanandan
Corporate Projects
Basildon District Council
01268 294509

carla.vivekanandan@basildon.gov.uk

— Forwarded by Carla Vivekanandan/BASILDON on 25/08/2009 11:52 —

Dawn
French/BASILDON
To
10/08/2009 Carla Vivekanandan
14:16 cc

Subject
FYI: Fw: Dale Farm, order by HMG for
62 more sites, and the council's
breaches of the Housing Housing Acts
1996 and s225 2004, and of the Human
Right to Education

Dawn French
Head of Development, Property and Health
01268 294858
dawn.french@basildon.gov.uk

— Forwarded by Dawn French/BASILDON on 10/08/2009 14:16 —

"Ann S. Dean"
<Ann.S.Dean@BTO
penWorld.com> To
<dawn.french@basildon.gov.uk>
09/08/2009 cc
14:11

Subject
Fw: Dale Farm, order by HMG for 62
more sites, and the council's
breaches of the Housing Housing Acts
1996 and s225 2004, and of the Human
Right to Education

— Original Message —

From: Ann S. Dean

To: balla.mahendran@basildon.gov.uk

Cc: bret@cohre.org

Sent: Sunday, August 09, 2009 1:57 PM

Subject: Dale Farm, order by HMG for 62 more sites, and the council's breaches of the Housing Housing Acts 1996 and s225 2004, and of the Human Right to Education

Re Dale Farm, order by HMG for 62 more sites, and the council's breaches of the Housing Housing Acts 1996 and s225 2004, and of the Human Right to Education in Article 2 of the First Protocol of the HRA 1998.

1 To Dawn French, Head of Development at Basildon BC, (Your phone 01268 294671)

2 To COHRE, the Centre for Housing and Enforced Evictions,

from Ann Dean, National Romani Rights Association. Please confirm receipt and that you have forwarded this to the Leader of each political party on the Council and to your Scrutiny Panel and Equal Oppotunities/ Race Relations and your Human Rights, Housing, Planning Departments?

Please reply to each question within two weeks I wish to forward this e-mail and your reply to the Audit Office and to MPs and Peers, as a misuse of public money, breach of duty under the Housing Acts 1996 and s225 of 2004 Housing Act, breaches of the Human Rights Act, especially of the First Protod. Article 1 Right to Property and Article 2 of the First Protocol and Article 14 discrimination, The Right to Education in the HRA does NOT allow the claims of the Environment or Green Belts to be set against these tights, but only Aricle 8 allows it. of the and to Local Government Ombudsman, so please forward it at once to your complaints officer and send me details of your complaints system?

Dear Ms French,

1 Is it correct that the Government has ordered your Council to provide, by 2011, 62 more pitches for Travellers as part of your statutory duties under section 225 of the Housing Act 2004? Under the Freedom of Information Act, please could you provide me with a copy?

2 Will your council comply with the order, and have the 62 extra pitches ready for occupation by February 2011 as required by s225 Housing Ac 2004? If not why not?

3.1 Roughly what percentage of the land in your area outside towns is Green Belt and in what year were the Green Belt boundaries drawn up?
3.2 Is there enough available and affordable land for another 62 pitches outside the Green Belt?

4 Will the Council have to use the Green Belt for many or most of the extra 62 sites, and if so why are the residents of Dale Farm to be evicted for living on the Green Belt ????

5 Will enough of the 62 pitches be granted to any residents of Dale Farm who are not allowed to remail on their own land? If not why not as they should be for all Travellers residing in the area without planning consent?

6 Most law abiding councils are now following the decision by the Court

6 Most law abiding councils are now following the decision by the Court of Appeal in 2008 in R v Wychavon DC v Secretary of State for Communities and Local Government and Butler. The Butlers were camped on their own land in the Green Belt. The Court granted the Butlers five years temporary consent, three years to cover the period up to 2011 and two extra years to cover any slippage (delay) by the council. WHY is your council not yet following the Court of Appeal decision in the Wychavon case?

7 Why are you ignoring paragraph 63 of ODPM Circular 1/2006 that the absence of existing provision may prejudice enforcement action?

8.1 Why are you acting against the decision of the High Court in R v Basildon BC ex parte Secretary of State and Appleby by Ouseley J in 2000 and R v Basildon BC ex parte S of S and Temple by Sullivan J in 2004? In both cases the High Court granted planning consent in your Green Belt because there was a shortage of sites and so the families would be forced to live by the roadside with little or no schooling if refused consent.

Ouseley J said that if there was a shortage of sites that fact, combined with the presence of school age children amounted to the "very special circumstances" needed for consent in the Green Belt. He also said that "there is no requirement in law" that the children must have special education needs (SEN) as "very special" did not have to mean very rare or the opposite of commonplace, as it often meant very important and the need for education was very important.

Do you accept the opinion of Mr Justice Ouseley and will your council therefore follow his ruling by giving consent to all those with children aged 3 (for Nursery School) until at least 16. If not why not?

8.2 Do you agree that all your actions and their consequences should be compliant with the Human Rights Act 1998 and that environmental matters can be weighed in the balance against Article 8, Respect for the Home, but the Human Rights Act does not allow the harm to the Environment to be weighed against the Human Right to Education, so that the decision of Ouseley J should be followed by granting permanent consent to all of those at Dale Farm with children age 3 to 16 (or above if in further education)? (The Right to Education is found in Article 2 of the First Protocol of the HRA 1998 and the UK did ratify this Protocol and is bound by it.)

9 Do you agree also that the residents' property, including land and mobile homes is protected by Article 1 of the First Protocol? What will happen to their mobile Homes if they have no land to put them on?

10 It is obvious, from reading your local paper on the Internet and its blog, that the attempt to evict the residents of Dale Farm is motivated by racism and not by love of the Environment. Is it true that all the Opposition parties voted against the eviction and that they said that it was tainted with racism Surely there should be all party support before undertaking such an expensive, inhumane and controversial decision?

11 What is the estimated cost to tax payers and/or to the ratepayers a) of the eviction b) of providing land for over 50 more pitches, providing the usual facilities, showers, toilets, electricity and water and hardstanding and housing benefit for those on low incomes, clearing the land and re-seeding it etc. As all Councils are short of money, how can you justify this huge expenditure for such a purpose?

12 Why is such slow progress being made with the Homeless Applications? They need to know whether your council will follow the Margaret Price case, by tolerating them where they are, until the new pitches are ready, which is what the High Court said in that case, as the Judge said that councils must "Facilitate the gypsy way of life", or will you only offer them unacceptable "bricks and mortar and if so WHY as that is racist and the Court of Appeal said in Tom Clarke v Tunbridge Wells BC that such an offer was like offering only pork to a Moslem or a Jew?

Ann Dean, National Romani Rights Association

Ann Dean, National Romani Rights Association

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